

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEVEN AMISON,)	CASE NO. 5:14cv987
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	OPINION AND ORDER
)	
CANTON POLICE DEPARTMENT, et al,)	
)	
)	
DEFENDANTS.)	

Plaintiff *pro se* Steven Amison brings this *in forma pauperis* 42 U.S.C. § 1983 action against Defendants Canton Police Department and Canton Police Officers Legg and Shackle. Plaintiff alleges Officer Legg intentionally struck him with a police vehicle and then beat him.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972), the district court is required to dismiss an action under 28 U.S.C. §1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996).

While Plaintiff's claims against Officer Legg may have arguable merit, the same cannot be said regarding his claims against the other two Defendants. The Canton Police Department is not an entity capable of being sued. *Matthews v. Jones*, 35 F.3d 1046, 1049 (6th

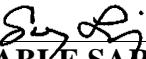
Cir. 1994). Further, there are no allegations connecting Officer Shackle to the acts of which Plaintiff complains. Therefore, the Canton Police Department and Officer Shackle are not proper parties to this action.

Based on the foregoing, Defendants Canton Police Department and Officer Shackle are **DISMISSED** pursuant to 28 U.S.C. § 1915(e). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from their dismissal could not be taken in good faith.

The Clerk's Office is directed to forward the appropriate documents to the U.S. Marshal for service of process on Officer Legg. **A copy of this order shall be included with the documents to be served on him.**

IT IS SO ORDERED.

Dated: October 30, 2014


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE